Risk assessment in family violence cases:

What’s the risk and how do we assess it?

Presented by Jon Everest
A typical RJ case...
A typical RJ case…

- One-off incident
- Parties are often/usually not known to each other
- The incident (crime) stands without context
- There is a limited “back story”
- Usually not an on-going relationship
- Parties are ‘empowered’ enough to decline to participate
How FV is different to other crime

- On going pattern of offending
- Victim isolated – extent of violence is hidden
- Committed by someone close to the victim
- Statements of remorse and apology are often part of the pattern
- May be characterised by power and control
- Change is less likely to occur if family, whanau and community are not involved
Argument or violence?

- Arguments and differences are a normal part of most relationships

- Most people in unhappy relationships are not living in FEAR of their partners
The Cycle of Violence
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Phase 1 (Tension)
Increased tension, anger, blaming and arguing.
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Phase 2 (Abuse)
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Phase 3 (Honeymoon)
This stage may become shorter over time. Partner may deny violence, say they were drunk or sorry and promise it will never happen again.
Types of family violence

- Intimate partner violence – IPV
- Abuse of a child
- Abuse of an elder
- Other intra-familial violence, such as parental and sibling abuse

(Ministry of Justice, 2016)
FV is about secrets…

Secrets in a cupboard photo
Power and Control

(Duluth, 1984)
Effects of Family Violence

- Emotional
- Behavioural
- Health
- Social
- Financial

- Intensity of entrapment
- Cumulative and compounding
Why do women stay?

- Fear
- Love
- Hope
- Isolation
- Lack of support
- Lack of resources
- Low self esteem
- Social/cultural/religious values
How men react to separation

- Remorse and promises
- Playing on women’s fears
- Finding another woman
- Intimidation or threats of violence
- Threats of suicide

(Kay Douglas, 1998)
Which RJ principles are in jeopardy?

- Participation is VOLUNTARY
- The victim and the offender are the CENTRAL PARTICIPANTS
- UNDERSTANDING is key to effective participation
- Offender ACCOUNTABILITY is key
- Restorative justice processes are FLEXIBLE AND RESPONSIVE
- Restorative justice processes are SAFE for participants

(Ministry of Justice, 2017)
Mediation may **NOT** be appropriate when there is:

- Power imbalance
- Lack of safety
- Controlling behaviour
- Intimidating behaviour

...And the result is that one party is unable to effectively negotiate.

(Resolution Institute, 2016)
"The real danger lies not inside the room or the process… but outside the room as a result of the process."
Original MOJ Policy

- No RJ in cases of domestic violence
- No RJ in cases of sexual violence

Core concerns = Safety and power imbalance
“Some high-risk men slide back into families with almost no accountability”

“Some men with real potential to engage in resolution and restitution work are blocked from the opportunity”

(Cagney & McMaster, 2013)
RJ can shine a light
Typologies of Family Violence

- Coercive Controlling Violence (CCV)
- Violent Resistance (VR)
- Separation-Instigated Violence (SIV)
- Situational Couple Violence (SCV)

(Kelly & Johnson, 2008)
Importance of Typologies

“Reliable differentiation should provide the basis for determining what safeguards are necessary...”

(Kelly & Johnson, 2008)
MOJ Policy in Family Violence Cases
MOJ principles for FV cases

- Victim driven
  - Motivated by victim rather than others
  - Victim drives nature and pace of the process
  - Victim wishes prevail if there is a conflict about the process

- Process to maximise opportunity:
  - For justice
  - The chances of healing
  - To minimise the chances of harm

(Ministry of Justice, 2013)
RJ FV service design

- Paramountcy of offence victim safety
- Accredited FV RJ facilitators
- Specialist FV knowledge and skills and processes required
- Timing and pacing of service
- Role of support people
- Victim choice and control
- In depth pre-conference intake and risk assessment
- Links with family violence agencies
- Specialist professional supervision required

(Ministry of Justice, 2013)
A formal assessment of risk by FDR supplier…

FDR provider to undertake an initial assessment to identify whether FDR is suitable for the party or parties.

Assessment to identify any risk (e.g. whether there has been domestic violence or there is any risk of harm to the party or any children in the care of either party).

This role cannot be delegated - only an approved FDR provider can undertake assessment.

(Ministry of Justice, 2014)
Risk Assessment

“Accurate and on-going risk assessment is critical for effective intervention”

(Ministry of Justice, 2016)
Assessing risk
Assessing Risk
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Risk assessment

“Tell the story of the violence and make a valid attempt to identify future consequence and risk.”

(Cagney, 2016)
“Risk assessment is more than scoring an instrument – it should inform likelihood, case planning and risk management.”

(Serin and Lowenkamp, 2015)
Risk assessment includes...

1. Key risk factors
2. The victim’s views of the risks they face
3. Professional judgement

(Ministry of Justice, 2016)
Using risk assessment

“Service providers should use risk assessment to determine whether their service is appropriate given the level of risk identified.”

(Ministry of Justice, 2016)
Remember…

- Some victims may minimise the level of risk through trauma or as a coping mechanism.

- Some may not be equipped to accurately assess due to mental health/alcohol/drug use

- **Never** use professional judgement to **lower** an assessment of risk when there are risk factors present or the victim’s assessment suggests otherwise.

  (Ministry of Justice, 2016)
What does this mean in practice?

Gathering information to ‘make meaning’…

- About risk ‘markers’
- About severity
- About potential re-occurrence
- About capacity and strengths

(Cagney & McMaster, 2014)
Types of risk

- **Static risk**
  - Strongest predictor (*who is at risk*)
  - Easier to assess
  - By definition cannot reflect change
  - e.g. demographic factors (age, gender), childhood history, criminal history, etc.

- **Dynamic risk**
  - Reflects change over time (*when client is at risk*)
  - Incrementally predictive
  - e.g. drinking, drugs, gambling, financial pressure, life events.

(Serin and Lowenkamp, 2015)
Protective Factors

- **Internal factors**
  - e.g. empathy, coping, self-control

- **Motivational factors**
  - e.g. work, leisure activities, motivation for treatment

- **External factors**
  - e.g. social network, professional support

(De Vries Robbe and De Vogel, 2012)
Weighing the risks…

Dynamic factors

Static factors

Protective factors

(Cagney & McMaster, 2014)
Risk factors for victims

- Is pregnant or has recently given birth
- Has depression or a mental health issue
- Has ever verbalised or had suicidal ideas or attempts
- Misuses alcohol and/or other drugs
- Is isolated

(Ministry of Justice, 2016)
Risk factors for perpetrators (1)

- Used weapon in most recent event
- Has access to weapons
- Has stalked the victim
- Has breached a protection order or police safety order
- Has ever harmed or threatened to harm victim
- Has ever tried to choke the victim
- Has ever tried to kill the victim
- Has ever harmed or threatened to harm or kill children
- Has ever threatened or tried to commit suicide

(Ministry of Justice, 2016)
Risk factors for perpetrators (2)

- Has ever harmed or threatened to harm or kill pets or other animals
- Has ever harmed or threatened to harm or kill other family members
- Misuses or abuses alcohol or other drugs
- Is unemployed
- Uses controlling behaviour
- Demonstrates obsession/jealous behaviour towards victim
- Has depression or a mental health issue
- Has a history of violent behaviour (not only DV)

(Ministry of Justice, 2016)
Risk factors in relationships

- Recent separation
- Financial difficulties
- Escalation – increase in severity and/or frequency of violence

(Ministry of Justice, 2016)
High risk of ‘serious harm’

1. One or more key risk factors that indicate lethality
   and/or
2. On-going / escalating pattern of physical violence
   and/or
3. The number of risk factors indicate an on-going
   pattern of coercive controlling behaviour
   and/or
4. Professional judgement

(Ministry of Justice, 2016)
1. One or more key risk factors but no escalation in frequency or severity

and/or

2. Physical violence in the past but does not appear to be on-going or escalating

and/or

3. If the provider in their professional judgement suspects violence is occurring but it has not been disclosed.

(Ministry of Justice, 2016)
Dimensions of Risk

Assessment and reporting of risk typically focuses only on the likelihood of it occurring.

**Other dimensions of risk must also be considered:**

- The **imminence** of risk - when will the individual be violent?
- The **nature of risk** - what type of violence will the individual commit?
- The **frequency** - how often will the person be violent?
- The **seriousness** - the consequence of the violence to the victim?

(Kropp, 2004)
Core questions

- What is the history of the behaviour?
- How serious has it been?
- What type of offending is it?
- How likely is it to re-occur?

(Cagney, 2016)
Patterns of abuse

“We have to move beyond reacting to single incidents to considering on-going patterns of abuse as a whole.”

(Ministry of Justice, 2016)
Professional Judgement
When is a perpetrator ready?
Accountability

- Minimise
- Lay blame
- Justify

✗ Responsibility
Which story?

Severity of Abuse

Perpetrator’s Story

Victim’s Story

Effects and Impact

(Cagney & McMaster, 2014)
Good intentions

“Do not assume a ‘desire to change’ indicates an ‘ability’ to change.”

(Ministry of Justice, 2016)
Levels of denial

- Denial of occurrence
- Denial of seriousness
- Denial of responsibility
- Denial of likelihood of re-occurrence

(Cagney & McMaster, 2014)
Perpetrator refusal

- A perpetrator’s refusal or reluctance to participate in behaviour change programmes can indicate a significant risk of future violence.

- Also, if their attitude changes part way through a course, or if they stop attending.

(Ministry of Justice, 2016)
Stopping violence programme goals

- Has ‘faced-up’ ... Closed the ‘gap’ on denial, minimisation and blame
- Understands ‘how’ (can ‘map’) his use of abusive practices occur
- Can ‘see’ the impact and begin to ‘experience’ empathy for those affected
- Has established and structured relapse prevention safety plans

(Cagney & McMaster, 2012)
Risk Assessment 101:

- Obtain information from more than one source
- Obtain information on past, existing and potential safety
- Identify competencies and strengths
- Remember risk assessment is not a ‘one-off’ activity
Rolling risk assessment

Assess/re-assess risk each stage:

- After receiving/gathering information
- Before each pre-meeting
- After each pre-meeting
- Before making decision to proceed to conference
- Immediately before conference
- After conference
Re-assessing risk

Risk fluctuates as things change = dynamic factors

Reassess risk when:

- Victim has left perpetrator
- Victim is thinking of leaving (including non-verbal indicators)
- Victim is pregnant or has newborn child
- Family court cases are underway (particularly custody)
- Victim and perpetrator get back together
- Victim obtains a protection order

(Ministry of Justice, 2016)
Justifying your decisions

- Have all reasonable steps have been taken?
- Have reliable assessment methods been used?
- Has all information has been collected and thoroughly evaluated?
- Are decisions recorded and subsequently carried out?
- Have policies and procedures have been followed?
- Do practitioners and their managers adopt an investigative approach and are proactive?
- Have we met our duty of care, including health and safety?

(Cagney & McMaster, 2014)
Managing and mitigating risks
Safety planning

1. Identify and **document steps to secure victim safety** (including children)

2. A safety plan must be developed using an integrated multi-agency approach

3. Plan must include clear accountabilities across agencies, and

4. Document on-going monitoring and risk assessment

(Ministry of Justice, 2016)
First aid safety advice

1. Contact police if they or their children in danger
2. Provide contact numbers for domestic violence services
3. Identify an escape route from their home
4. Where to go when they escape and how to get there
5. What they will do if they need to leave empty handed
6. How to minimise the risk of serious injury in the event of immediate danger
7. How to identify people in their community who can help them to be safe (e.g. a neighbour)
8. How to access cash. (Family Violence Death Review Committee, 2016)
Collective responsibility

“Victims should never be considered responsible for managing abusive behaviour.”

(Ministry of Justice, 2016)
Where does RJ best fit in FV response?

- **Crisis**
  - Arrest
  - Separation
  - Placement
  - Fragmentation

- **Intervention**
  - With the man using abusive practices
  - Victim Counselling

- **Resolution**
  - Bringing the fragments together to assess what is possible and safe

(Cagney & McMaster, 2012)
Questions?